

Application No.: 10/517,722

mg-2513 (00143-00244)

**REMARKS**

This application has been carefully studied and amended in view of the Office Action dated July 31, 2006. Reconsideration of that action is requested in view of the following.

In the Office Action Examiner Arnold rejected claims 2, 7, 13 and 15-17 over the prior art. Claims 3-5, 8-11 and 14, however, were not rejected over the prior art. Claim 7 is the only independent claim. Claim 7 has now been amended to incorporate features of the various claims which were not rejected over the prior art.

In order to advance the prosecution of this case claims 5 and 13-17 have been canceled.

As indicated above claim 7 is the only independent claim. As now amended claim 7 includes the features of using gaseous xenon together with a further spasmolytic which is administered orally or intravenously. Such features in claim 7 should be allowable over the prior art since the features are based upon claim 4, which was not rejected over the prior art.

The various dependent claims have been amended so that they are dependent on claim 7, in view of the correct observation by Examiner Arnold that the claims had been dependent on canceled claim 12. In amending claim 7 the comments of Examiner Arnold regarding the definiteness of claim 7 have also been taken into account. Accordingly, claim 7 and its dependent claims should fully comply with 35 USC 112.

Claim 15 was rejected as non-enabling with regard to prophylaxis. In order to advance the prosecution of this case claim 15 has been canceled.

The only remaining rejection is on the ground of obviousness type double patenting over copending application number 10/517,723. A terminal disclaimer will be filed to obviate that rejection.

In view of the above amendments and remarks this application should be passed to issue.


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Respectfully submitted,

Dated:

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